Secondly, the rights of agriculturists should also be protected.

These small farmers when they find cultivation of paddy is so uneconomical and it is not possible for them to continue, should have the right to cultivate whichever crop they think proper. Suppose vegetables are more profitable for them, they should be allowed. When they feel that cultivation of coconuts is more profitable or turning to fish farm is more profitable, they should have the right and that right should be ensured. Therefore, I submit that the hon. Agriculture Minister should take interest in this matter and see that the rights of poor small agriculturists are assured and secured. Thank you very much.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Now, we shall take up the Private Security Guards and Agencies (Regulation) Bill, 1994.

THE PRIVATE SECURITY GUARDS AND AGENCIES (REGULATION) BILL, 1994 —(CONTD.)

SHRI JOHN. F. FERNANDES (GOA): Sir, the hon. Home Minister initiated the Bill on the 4th August, 1997. I was the first speaker and I am going to resume my speech. I am sorry, the hon. Home Minister is not there but my good friend, Mohd. Maqbool Dar, is here. I have no objection. I hope the hon. Home Minister will come and reply. Sir, I was speaking on Clause 5 of this Bill. Clause 5 (i) of the Bill says that only citizens of India are eligible to be recruited. A point I made that day was, private security in the country is synonymous with Gurkhas. We know the community of Gurkhas. They hail from the neighbouring friendly country of Nepal. If we implement this Bill, I think, all these people who are giving *yeomen* service throughout the nook and corner of this country will become disqualified. We have a friendship treaty with our neighbouring country, Nepal. The Government has not given thought to it that if this is passed what would be the repercussions. I have also said that we also have a Gurkha Regiment in the Indian Army. They are very loyal and patriotic people. I hope the hon. Minister will clarify that point. This is in Clause 5(i) Sir, Clause 5 (iv) says about training. It says that every person who is recruited should have one month's training at least, of the type imparted to Home Guards. I will give an example. This Bill has not created any in built mechanism to start private training schools as was done in the case of the Motor Vehicles Act in 1988-89. In that Act we have seen that any person who does not have any qualification from a licenced motor training school will not be granted a licence. Earlier this system was not there. Earlier, one who could learn to drive a car on the street, could go to the RTO, get a licence and walk away. So, we have created this mechanism. I had also mentioned the other day about the repercussions. The repercussion would be of a similar pattern as it happened in this country when we privatised the Civil Aviation Sector. When we allowed private taxi operators to operate, we have seen the consequences. We did not see that we created pilot training institutions in our country in the private sector. As a result, we have only one pilot training institute in the country in Hyderabad and that is run by the public sector undertaking-Indian Airlines. And, 40% of the pilots from the Indian Airlines were robbed or were snatched away by the private airlines. Due to this, we have been the grounding up of a lot of planes of the Indian Airlines. I feel that the same problem will arise here because private security, multinational security, terrorism, kidnapping, kidnapping for ransom, extortion have become the order of the day. Every agency will have competition to see that they get the best talent in the country. So, when you have demand for certain services in the country they will offer better salaries.

Then you would see an exodus from the Police, from the Home Guards, and from other agencies which you have mentioned here.

I would request the hon. Minister to take note of it. Side by side, we should also create an agency to give training to such personnel. If it is only to give jobs to them, if the intention of the Government is only to give jobs to ex-servicemen and those persons who are discharged from the different forces, it is okay. I do not think that would fulfil the demand in the country.

Then, in clause 6, you have mentioned the Home Guards. You have mentioned the various categories of persons who are eligible. You have mentioned here: 'Army, Navy, Air Force, any other Armed Force of the Union, Police and Home Guards'. But you have not mentioned the Fire Brigade. The Fire Brigade in the country is an elite service, like the Police. They are better trained than the Police or the Home Guards. They are better trained to handle the contingencies and accidents that may arise, that may occur, even in an private establishment. Therefore, I feel that the Fire Services should also be included in this clause, clause 6.

In clause 8, I find that the Central Government has taken powers in regard to permitting a foreign firm or company to register itself in India. I do not know what is the intention of the Government. I do not know whether this power is retained by the Central Government to give this facility to the diplomatic crops in our country. We have any diplomatic offices in this country. We have embassies; we have consulates. They cannot have private armies because it is not their national jurisdiction. We have seen in Delhi that many of these embassies have got the personnel from their own countries. They employ them as private security guards. I do not know if that is the intention of the Government. The Government has not made its intention clear. If that is the intention of the Central Government, I am afraid, the Central Government may misuse this power. There would be unhealthy competition. The Bill may have to come before Parliament again. Then it would be opposed, as in the case of the Insurance Regulatory Authority Bill which was opposed. Multinationals from abroad would come and compete with the Indian multinationals. That is why I say that the intention has not been made clear by the Government as to why it wants to retain the power with itself.

About clause 12, I mentioned as to where the appeal would lie. The person who is going to be the Controlling Authority would be a police officer. Neither would he have a law degree, nor would he have any judicial knowledge. He has to give a speaking order. I think the Controlling Authority is going to be a quasi-judicial authority. It should have been specifically mentioned here. I think it is going to be a quasi-judicial body which would give a speaking order, which could be challenged in any court of law. The appeal would lie with the Government, with the State Government.

The Government has not made it clear in the Bill as to who would be the Controlling Authority. I think it would be better to put it here that the Controlling Authority would be an IAS officer with a judicial background. In the State bureaucracy, you have the District Magistrate. The District Magistrate also sits in the court. They act as quasi-judicial officers where they give speaking orders in revenue matters. I think it should have been specifically mentioned here because the decision of the State Government would again be contested in the High Court and the Supreme Court. That precaution has not been taken by the Government while brining in this Bill.

I now come to clause 15 where it talks about identity cards. It only says: 'identity card' and not 'photo identity card'. The agency can misuse and could even challenge the rules framed by the State Government, saying that the

principal Act does not say 'photo identity cards' should be used; it only says 'identity cards'. Therefore, I feel this provision may be misused by these agencies, by brining in the under word outfits. We have many terrorist outfits also. Therefore, it would have been proper from the Government to put in clause 15 the words 'photo identity card' and just 'identity card'. I do not think it can be taken care of in the rules, or, subsequently, by the State Government. I hope the Government would take note of it.

SHRI S. RAMACHANDRAN PILLAI (Kerala): Mr. Fernandes, there is provision here. Please see clause 20(2)(i). It says: 'the form in which an identity card under sub-section (2) of section 15 be issued'. Therefore, the power is given to the State Government to decide in what form an identity card can be issued. There is no need to incorporate it in the principal Act. It could be provided for in the rules.

(The Deputy Chairperson in the Chair)

SHRI JOHN F. FERNANDES: That is your opinion. My opinion is different. I am talking about this section. We have to be very clear about it. Being lawyers, we know how it is disputed. The State Government can be challenged because this will be the principal Act. I am talking of section 15. This has not been mentioned. So, this is my suggestion . It is for the Government to accept it or to reject it. I am not disputing that. This is going to be the principal Act. Based on this Act, other laws will be framed by the State Governments and they will be laid on the Tables of the respective State Legislative Assemblies and State Legislative Councils wherever they exist.

Clauses 16 and 18 deal with the penalty for violation. I have repeatedly said that the punishment would be upto a period of one year and the fine would be up to Rs. 5,000/-, either or both. But, while framing laws here, we always forget to lay down the minimum punishment. We leave it to the sweet will of the person who decides the penalty, sitting in the chair. This is the case in my State. This is so with the drug cases also. The Judge is supposed to impose a fine of Rs. 10,000/- at the maximum or imprisonment up to ten years at the maximum. So, when the sees he face of a foreigner who has violated the drug law in our country, he ordrs just one day's imprisonment or imprisonment till the court rises or a fine of Rs. 100/-and lets him go home. I think we have to be blamed for it. We have to see that the mechanism is foolproof. When you say that the maximum punishment will be imprisonment for one year, it can also mean improsonment for one hour. It can also mean one day. So, I think, we have to put a ceiling on the minimum period of one month and on the maximum period of one year. There should be a mandatory punishment. Again, about fine, we lay down that the maximum fine will be Rs. 5,000/-. We do not lay down the minimum amount of fine. So, let the minimum fine be Rs. 500/- and the maximum fine be Rs. 5,000/-. We should not give an unlimited power to the judiciary. There should be no public criticism against us. We are giving this law to them.

If a person misuses his uniform.....

THE DEPUTY CHAIRMAN: You have already taken time in excess.

SHRI JOHN F. FERNANDES: No, Madam. There are ten minutes for my party.

THE DEPUTY CHAIRMAN: You spoke the other day also. Did you not?

SHRI JOHN F. FERNANDES: I am the only speaker from my party, Madam. The others are in Calcutta.

THE DEPUTY CHAIRMAN: Never mind. One hour was allocated for it.

SHRI JOHN F. FERNANDES: Madam, I am on my last point. I was talking about clause 19, about vicarious liability. If a person uses a wrong uniform, that person will be held liable, and not the agency. The agency will say

that it has not give the uniform. I think the vicarious liability should be there. The company should be penalised and not the poor employee because he will just take the job because he needs salary. The company can get away with it. So, I think a stronger provision should be made in this clause.

Madam, the hon. Home Minister has said that the Standing Committee on Home had some recommendations about carrying of arms that these personnel should also be given arms. If I take security, I do not know whether my employee has the right to use arms against somebody in self-defence on my behalf because I do not think that we have changed that law in our country. Will we make a law permitting private agencies to carry arms? I don't think so. Even if a police man has to carry arms, he takes permission from the District Magistrate. We should not permit a system in which fire arms and licenses are given to private agencies.

Madam, I had much more to say, but this much for the present.

Thank you. Madam.

श्री राजनाथ 'सूर्य' (उत्तर प्रदेश): उपसभापति जी, इस विधेयक के बारे में एक दिन पहले और आज हमारे मित्र सदस्य श्री जॉन फर्नांडिस ने बड़े विस्तार से सारी बातें कही हैं, इसलिए उसके बहुत विस्तार में जाने की आवश्यकता अब रह नहीं गई है, उसको दोहराना ही होगा। एक-दो बातें ऐसी हैं जिनकी तरफ मैं ध्यान इसलिए दिलाना चाहता हूं जिससे यह लगता है कि यह विधेयक बिना सोचे-समझे लाया गया है। एक तो तत्कालीन जो स्टेंडिंग कमेटी थी उसकी रेकमेंडेशंस को इस विधेयक में स्वीकार करना पड़ा। दूसरा इसमें एक बड़ा विचित्र उल्लेख है जिन लोगों को इसमें भर्ती करने की बात कही गई है कि उनकी 18 वर्ष की आयु पूरी कर चुका हो...। लेकिन भर्ती कैसे लोगों की जाएगी? जो कि कम-से-कम सेना में तो इस प्रकार की सेवाओं में 5 वर्ष तक सेवा कर चुके हों। मैं नहीं समझता कि 5 वर्ष तक सेना में, पुलिस में या बाकी जगह सेवा करने वाला व्यक्ति 18 वर्ष के कम आयु का होगा। यह एक प्रकार से अनावश्यक उल्लेख किया गया है।

महोदया, दूसरी बात, राज्य सरकार आम लोगों से इस बात के लिए टैक्स लेती है कि उन को सुरक्षा प्रदान करे लेकिन इस मामले में उस ने अपनी असफलता स्वीकार कर ली है। यह असफलता स्वीकार कर ली है कि वह लोगों को सुरक्षा प्रदान नहीं कर सकती और लोगों को अपने व्यावसायिक प्रतिष्ठानों के लिए ही नहीं बल्कि अपनी निजी सुरक्षा के लिए सुरक्षा गार्ड रखने की छूट दे रही है। आज वैसे ही लोगों द्वारा बनाई गई सेनाओं के द्वारा जगह-जगह दंगे-फसाद हो रहे हैं। उत्तर प्रदेश में विशेष रूप से ठेके, पट्टे लेने के लिए गोलीबारी हो रही है, हत्याएं हो रही हैं। आखिर ठेका भी तो एक प्रकार का बिजनेस ही है और इस बिजनेस को चलाने के लिए प्राइवेट गार्ड रखकर, अपने सुरक्षा गार्ड भर्ती करके, उन के जरिए जो जगह-जगह गैंगवार शुरू हो जाएगी उस को रोकने के लिए इस बिल में कोई प्रावधान है या कोई व्यवस्था है ऐसा इस में दिखाई नहीं पड़ रहा है। महोदया, निजी सुरक्षा के बारे में इस में कहा गया है कि, "निजी सुरक्षा से किसी व्यक्ति, उस की संपत्ति या दोनों की सुरक्षा अभिप्रेत है।" महोदया, यह तो समझ में आता है कि कोई व्यावसायिक प्रतिष्ठान चल रहा है, उस में सेक्युरिटी गार्ड्स रखे जाते हैं, उन को रेगुलराइज कर दिया जाता है, लेकिन जैसा कि जॉन फर्नांडिस साहब ने कहा कि अगर मैं निजी सुरक्षा-कर्मियों को साथ लेकर कनॉट प्लेस में मार्केटिंग करने जाऊं और दूसरी तरफ हमारा कम्पीटटर आ जाए तो उन सुरक्षा गार्डों में अगर भिड़ंत हो जाए तो क्या स्थिति होगी? उस को रोकने का कोई प्रावधान इस बिल में नहीं है।

महोदया, मुझे लगता है कि इस विधेयक को पारित करने के पीछे सोच-विचार का अभाव है। इसलिए मैं अन्य बातों को दोहराने के बजाय केवल इतना कहना चाहता हूं कि इस विधेयक को किसी समिति को फिर से एक बार विचार के लिए भेजा जाए या इसे प्रवर समिति को सुपुर्द किया जाए क्योंकि इस में बहुत प्रावधान अनावश्यक हैं और बहुत से प्रावधान ऐसे हैं जिन के दुरुपयोग की संभावना है। इसलिए इस बारे में गंभीरतापूर्वक विचार किया जाना चाहिए, इतना ही मुझे कहना है।

SHRI S. RAMACHANDRAN PILLAI: Madam, I congratulate the Government for taking initiative in bringing this Bill to regulate private security guards and private security agencies. Many issues are involved in this Bill. Now, not only the private security agencies are recruiting the personnel, but

many multi-nationals, who have come into our country and many foreign countries, which are active in other countries, are also recruiting mercenaries. Madam, you know the history of many countries. They even employ these mercenaries for sabotaging the system. So, it is absolutely necessary that a regulatory mechanism is formed to control these private security agencies and also the private security guards.

There is another danger also. The employees of these private security agencies are encroaching upon the duties and powers of the police. They are also taking the law into their hands and are creating problems. So, it is absolutely necessary to regulate these private security agencies and also the private security guards.

There are other issues involved. This is a matter concerned with the States. The law and other situation is the prerogative of the States. So, the law which we legislate here, we have given two options to the State Government to opt the whole or certain provisions of the law. So, in that way it is a persuasive law. It is for the State Government to implement the whole or any part of this legislation.

I would like to draw the attention of this august House and of the Minister to another important aspect, that is, about the wording of some of these clauses. I am in full agreement for regulating the private security agencies and private security guards. Suppose I engage one or two personal security guards to protect my life, suppose I engage one or two security guards to protect my office, suppose I engage two or three security guards to protect my flat which is located in a cluster of flats, I would like to know from the Minister whether my personal security guard, the office security guard and the security guard employed to look after my flat should take a licence from the controlling authority. I think this is too far. I completely agree with one thing, to control these private security agencies and private security guards engaged by the private security agencies. That is one thing. The other thing that I would like to know from the Minister is whether my personal security guard, my office security guard and my flat security guard should obtain a licence from the controlling authority. I think a distinction should be made between private security guards employed be made between private security guards by private security agencies and personal security guards, security guards agencies and personal security guards, security guards employed in an office and security guards employed in a flat. Here that distinction is not made in the provisions of the Bill. If you look at the provisions of this Bill, it do not define who the private security guard is. Madam, Clause 4 says, "No person shall continue to engage or engage himself as a private security guard;" So, I cannot continue to engage a private security guard or if I am a security guard, I cannot continue as a security guard unless I hold a licence issued in this behalf by the controlling authority. So, because of this provision, even a personal security guard is bound to take a licence from the controlling authority. A security guard in my flat has to obtain a licence from the controlling authority. Who is the controlling authority? The controlling authority will be a person with the rank of an Inspector General of Police. Therefore, to keep a security guard in my flat, I have to go to my State capital and apply to the controlling authority to obtain a licence. *(Time-bell rings).* Madam, clause 17 says "Any person who contravenes the provision of section 4 shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both. This is the provision, Madam.

THE DEPUTY CHAIRMAN: I know. I do not know if the Bill had gone to the Committee. *(Interruptions).*

SHRI S. RAMACHANDRAN PILLAI: It had gone to the Committee. But the Committee has not gone through this

particular clause, it seems. (*Interruptions*).

SHRI SATISH PRADHAN (Maharashtra): Madam, we should appoint a Committee again. Alot of lacunae are there. (*Interruptions*). I think the House should appoint our own Committee. (*Interruptions*).

THE DEPUTY CHAIRMAN: I think we should have a Review Committe. I suggest it because the Members I have heard. ...(*Interruptions*). He is speaking now. (*Interruptions*). There is not problem. We are seized of the situation. I have heard three speakers, Mr. Fernandes, Mr. Surya and Mr. Pillai. I also was going through the clauses. I find there are a lot of lacunae. In the anxiousness of passing the legislation, perhaps, we have not realised how it would affect when it is implemented. It does not matter if it is delayed for a few days and then brought back again in the same Session. The Minister should review it. There is no harm. You can come back on Wednesday or Thursday. We will get it passed. (*Interruptions*). It went to the Standing Committee. I do not know what they have done.

SHRI SATISH AGARWAL (Rajasthan): A Select Committee of this House can examine it in three days. And it can come back. (*Interruptions*).

प्रो॰ विजय कुमार मल्होत्रा (दिल्ली): महोदया, जब ये सेलेक्ट कमेटी में जा रहा है तो वहां डिस्कस हो जाएगा। फिर जब हाऊस में आएगा, तब हम यहां डिस्कस कर लेंगे।

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRIMATI RENUKA CHOWDHURY): There are so many things. (*Interruptions*). All the points will be recorded.(*Interruptions*).

THE DEPUTY CHAIRMAN: We do not have much time. We have the Business Advisory Committee at 4 O'clock. (*Interruptions*).

SHRIMATI RENUKA CHOWDHURY: If the hon. Members can finish their contributions, their suggestions, we can make a note of them. (*Interruptions*).

THE DEPUTY CHAIRMAN: There are many Members to speak on it. Mr. Pillai and after that, I have one from the Anna DMK. There is Mr. Ansari. (*Interruptions*). There is not time. Mr. Satish Pradhan. He wanted to go. From the DMK, Mr. Duraisamy is there. I do not know what he wants to say. Only two or three speakers. I do not mind if they want to speak. (*Interruptions*).
आप जवाब दीजिए ना मंत्री जी, आप क्या कहना चाहते हैं ...(व्यवधान)

SHRI SATISH AGARWAL: Let the hon. Minister of State for Home Affairs agree. (*Interruptions*).

THE DEPUTY CHAIRMAN: The Minister should also have a say. He has brought the Bill. Let him defend himself at least. (*Interruptions*).

गृह मंत्रालय में राज्य मंत्री (श्री मोहम्मद मकबूल डार): इस बिल को 1994 में लाया गया था इस हाऊस में,
Then it was sent to the Select Committee.
उन्होंने जो अमेंडमेंट प्रपोज़ किए थे ...(व्यवधान)

श्री सतीश अग्रवाल: सेलेक्ट कमेटी में गया था तो सेलेक्ट कमेटी की रिपोर्ट कहां है?

श्री मोहम्मद मकबूल डार: स्टैंडिंग कमेटी में गया था।

उपसभापति: 1994 से अब तक क्या कर रहा था यह बिल?

SHRI RAM JETHMALANI (Maharashtra): Madam, can I draw the attention of the hon. Minister? If there had been any application of mind, there would not have sub-clauses (f) and (g) in clause 2. Both are repetitions. Kindly see. (*Interruptions*).

SHRI S. RAMACHANDRAN PILLAI: The Government has moved an amendment. That is there.

SHRI RAM JETHMALANI: Nothing has been supplied to us. Look at the throughlessness. You repeat a clause separately!

THE DEPUTY CHAIRMAN: Which is the clause?

SHRIMATI RENUKA CHOWDHURY: Madam, an amendment has been moved to delete that.

SHRI RAM JETHMALANI: Clause 2. Sub-clause (f) and (g). I cannot understand this kind of a shabby draftsmanship. (*Interruptions*).

श्री ईश दत्त यादव (उत्तर प्रदेश): महोदया, पेज नंबर 2 पर (जी) और (एफ) एक ही हैं ...(व्यवधान)

THE DEPUTY CHAIRMAN: There is no need. There is a repetion of the same sentence.

SHRI S. RAMACHANDRAN PILLAI: The Government has moved an amendment.

SHRIMATI RENUKA CHOWDHURY: We have moved an amendment to delete this. (*Interruptions*).

SHRI TRILOKI NATH CHATURVEDI: (Uttar Pradesh): Madam, it shows that there are many such lacunae and enough thought has not been given to the whole thing. (*Interruptions*)

SHRI RAM JETHMALANI: This is a joke.

SHRI SATISH AGARWAL: Madam, it has been proposed that the whole thing should go to a Select Committee. So, there is no need for discussing it.

SHRI S. RAMACHANDRAN PILLAI: Madam, I would like to continue.

THE DEPUTY CHAIRMAN: You have exhausted your time.

SHRI S. RAMACHANDRAN PILLAI: Madam, I only made one point.

SHRIMATI RENUKA CHOWDHURY: Madam, let him conclude.

SHRI RAM JETHMALANI: Madam, I had requested you to allow me a couple of minutes. You are not calling my name.

THE DEPUTY CHAIRMAN: I will call your name. Let him finish. I can every well identify some Members who come occasionally. How can I forget Mr. Jethmalani? All those who are present, I forget them. But those who come occasionally, I remember them. (*Interruptions*) Shrimati Renuka Chowdhury is calling you *Id Ka Chand*.

SHRI S. RAMACHANDRAN PILLAI: Clause 5 is also creating a problem. I would like to quote clause 5. "A person shall not engage himself as, and a private security agency shall not provide, a private security guard etc. etc..." So the provision with regard to a private security guard is also there. It is his liability to obtain a licence from the controlling agency. According to me, all this confusion has been created because there is no provision for defining a private security guard. If there is a provision for refining a private security guard and if he is defined as a person engaged by a private security agency, then the whole problem can be solved. Instead of defining a private security agency, Clause 2, subcaluse (e) defines private security. 'Private security' means private security of a person or his property or both." If you look at the bill, there is no reference to private security anywhere else than this place. So, there is no need to define private security because the whole Bill does not use that particular thing anywhere else. Instead of defining private security, if a private security guard is defined, the whole problem will be solved. If a private security guard is defined as a person engaged by a private security agency, the whole confusion can be avoided. I would suggest to the hon. Minister to consider this aspect and try to rectify the lacuna. Thank you, Madam.

THE TRILOKI NATH CHATURVEDI: Madam, there are so many lacunae in the Bill. I don't think they can be rectified. Otherwise, we have to discuss it clause and that will be very difficult.

THE DEPUTY CHAIRMAN: Mr. Minister, there is a feeling among the Members that there are a lot of lacunae in the Bill. Do you also feel in the same way?

SHRI MOHD. MAQBOOL DAR: Madam, I don't feel so. Let me hear all the Members.

THE DEPUTY CHAIRMAN: Three Members have already said it.

SHRI MOHD. MAQBOOL DAR: There is one thing which he has highlighted. Legally a person is a person and an agency is a person. I think this is a satisfatory explanation.

THE DEPUTY CHAIRMAN: Is an agency a person?

SHRI MOHD. MAQBOOL DAR: A person is a person, an agency is a person, a firm is a person.

THE DEPUTY CHAIRMAN: How can it be defined like this? An agency is an agency.

SHRI S. RAMACHANDRAN PILLAI: Madam, I raised this issue.

SHRI MOHD. MAQBOOL DAR: Let me explain.

THE DEPUTY CHAIRMAN: How can you explain this? *(Interruptions)...* Please, Mr. Pillai, let the Minister convince us. We have no problem. If he can convince the Members, we are very happy to have this Bill passed because this is the only Bill, perhaps, we will pass. I have other matters before me. There is a Chemical Weapons Bill which is pending. Just now the Minister has written to me. I have to get that also cleared. We don't have much time. So, please explain before I ask others to speak because there is no point in wasting time.

SHRI RAM JETHMALANI: The hon. Minister has said that he wants to explains to us. So, let him explain to us.

THE DEPUTY CHAIRMAN: Let him explain what he means by "an agency is a person".

श्री मोहम्मद मकबूल डार: मैडम, आनरेबल मैंबर ने जो कहा कि सिक्योरिटी गार्ड की डैफीनेशन ऐज़ परसन नहीं है। मैं सिर्फ इसी प्वाइंट को इस वक्त लेता हूं, जो उन्होंने पिन प्वाइंट किया है कि यह एनोमोली है। और भी जो कुछ है, उसका जवाब मैं बाद में दूंगा लेकिन फिलहाल मैं यह बात कहना चाहता हूं कि

The words "security guard" under and law, whether it is in the labour law or whether it is in this Bill or whether it is in any Constitutional law, individually mean a person. I think it doesn't mean any other definition.

THE DEPUTY CHAIRMAN: I could not follow. As far as law is concerned, I think I am very ignorant. Mr. Ram Jethmalani, can you explain this as a lawyer? *(Interuptions)...* Let him explain.

SHRI RAM JETHMALANI: I will just try to explain what the Minister means to say.

उपसभापति: मंत्री जी जवाब दे रहे है, आप उसको बाद में बता दीजिएगा। आपके जो डाउट्स हैं, उन्हें क्लीयर कर लीजिए।

If it is passed, I will be very happy.

SHRI RAM JETHMALANI: Madam, may I suggest this? Now the hon. Law Minister is here. He will be in a position to appreciate what we are saying. You can give us a few minutes. We will point out the diffculties in this Bill.

Madam, may I, at the outset, say that though I have been observing the slow decline of draftsmanship, this is the lowest bottom that draftmanship has reached today? This is a Bill which will make us a laughing stock. Kindly see the absurdities in this Bill. Let us start with the definition clause of private security, "private security" means private security. Now are you making us wiser or are you making a fool of us? Now what does "private

security means private security" mean? If a security guard takes care of you at the airport or at a public place, does it give me private security? Thereforem first of all, you have to define private security properly. What by the words "Private security" you mean is "security provided by a person other than a public servant who are regular employees, who are charged by law with providing security to others". You are talking of private secur ity in that sense. Now where does your definition bring it out? Now look at this. A private security security means a private security of a person. If I lend my servant today to an old women, who is my neighbour and who is living alone, and I tell her, "for your security tonight I am sending you my servant." He becomes a private security and I have to take permission and I shoule have a licence. This is an absurdity. The definition is so horrible that it takes into its compass everything which was not intended to be taken in. It is just bad drafts-manship of the statute. A "private security agency" means a person who proviedes a private security guard to another person. Now, at least, you should say that you provide them on hire or for compensation or for monetary consideration. Today I have an extra servant at my house and my neighour wants some service from him and he says," I am living alone. You please send your servant at night. He can come and sleep with me and look after me". If I send him for two days, I will become a private security agency.

This is the absuridity of this provision. The main person who is sought to be protected or hit or controlled is the private security guard. The private security guard is the last person; he does not find a definition here. Who is a private security guard? Any person who voluntarily or otherwise, with or without any reward, takes care of somebody else. A keeper of a stable becomes a guard. Is he not taking care of somebody's property? Is it not the intention of the Minister of protect all people who are looking after horses si stables? A horse, a donkey, craft and everthing is covered by this will.

SHRI MOHD. MAQBOOL DAR: Madam, May I reply?

उपसभापति: अभी वह बोल रहे हैं, बाद आप बोलिए। आपके तो बोलने के लिए टाइम है।

SHRI RAM JETHAMALANI: The current philosophy of our ligislation is to privatise. What has prompted these people to bring this kind of a Bill? It is a left-over of the previous Govenment. At that time the Congress party was in power. The whole party is absent today. They have to interest in the Bill which they had sponsored. Why have you taken this dirt from them? Is it because of the remote control?

Clause 5 (ii) says, "has completed eighteen years of age". Why can't you employ a young student who wants to make a livelihood at the age of 17 and prosecute his studies? Why should he neces sarily be of the age of 18 years? A person can earn his livelihood while he is receiving his education. There are so many people who come from outside. Today we have a treaty with Nepal. Many people are coming. Technically there are not the citizens of India. Has anybody thought of all these problems?

SHRIMATI RENUKA CHOWDHURY: Anybody below the age of 18 years is deemed to be a child and we do not promote child labour.

SHRI RAM JETHMALANI: The defination of child for those Acts is different. It is 14 years and less.

SHRIMATI RENUKA CHOWDHURY: When we don't allow an individual below the age of 18 years to vote, we deem that he is not responsible enough to do that.

SHRI RAM JETHMALANI: Madam, this is their philosophy that we who is not entitled to vote cannot be a security guard.

SHRIMATI RENUKA CHOWDHURY: Then employ somebody who is 80 years old who is entitled to vote.

SHRI RAM JETHMALANI: Madam, today we are all talking of privatisation. Why are they doing something which is contrary to the recent spirit of our whole legislation and philosophy? We are trying to privatise things which are already in the public sector. Now they are shifting something from the private sector and putting it into the public sector and giving control to the Government. Our greatest objection to this statute is that this is constitutionally invalied.

Has anybody thought of in what terms does this come under the Central List or Union List? It deals with essential problems of public order and things like that. They relate to the State subject. How is it a subject of Central legislation? All these matters have to be thought out. The drafting is very bad. They have not provided for proper remedies. Neither have they provided for protection nor have they provided for remedies. All this is an attempt to increase the power of bureaucracy and give more opportunities for corruption. This is our serious objection. We are running contrary to the spirit of our entire new philosphy that we have to privatise.

THE DEPUTRY CHAIRMAN: It is there.

SHRI RAM JETHMALANI: No. Clause 5 wants to take control over something which is being done by the private agency. Before I employ somebody as security agent or a security guard, I must find out what physical qualification has been prescribed by the Government. I must find out whether he is 5 feet and 4 inches and whether he is of a particular weight.

THE DEPUTRY CHAIRMAN: The Minister will answer it.

SHRI RAM JETHMALANI: It is there in clause 5. It says, "fulfils such physical standards as may be prescribed". the State Government will prescribe what kind of dimensions my security guard should have. Madam, this is a big joke.

THE DEPUTY CHAIRMAN: I am worried because my Gorkha is very old ...(*Interruptions*)... Let the Minister answer. Please ...(*Interruptions*)... I do not want to waste time.

PROF. RAM KAPSE (Maharashtra): What is the opinion of the Law Minister?

THE DEPUTY CHAIRMAN: No, the Home Minister should answer.

PROF. RAM KAPSE: The Law Minister should give his opinion at least privately.

THE DEPUTY CHAIRMAN: Nothing is private in this House. ...(*Interruptions*)... There is not point in continuing if the Members feel that way ...(*Interruptions*)... मंत्री जी बोलिये, जवाब दीजिये।

श्री मोहम्मद मकबूल डार: मैडम, ऐसी बात नहीं है। प्राइवेट सिक्योरिटी इस वक्त भी मुल्क में चलती है और मुल्क के बाहर दूसरे मुमालिक में भी चलती है, एसोसिएशन्स हैं। एजेन्सीज हैं और जरूरत भी है। हम महसूस करते हैं क्योंकि बिजिनेस बढ़ गया है, ट्रेड बढ़ गया है, क्राइम बढ़ गये हैं। इसलिए अपने पुलिस अमले पर जो बोझ है वह हल्का हो सकता है इससे, इसमें नहीं है। लेकिन जो ऑनरेबल मेम्बर्स ने कहा कि यह कांग्रेस की गन्द थी तो गन्द यह है कि जो इस वक्त चल रहा है, वह चल रहा है। प्राइवेट एजेंसियां जो सिक्योरिटी गार्ड के तौर पर काम करती हैं वे नार्म्स के बगैर हैं, वे एन्क्रोचमेंट अपने पुलिस अमले से करते हैं, वे पुलिस अमले की निशानियां इस्तेमाल करती हैं, वर्दियां इस्तेमाल करती हैं। that is a blot on our police organisation: उसको सुधारने के लिए, उसमें कुछ लचक लाने के के लिए, उसको कानून के तहत लाने के लिए यह बिल है, ताकि उसमें कुछ कन्ट्रोल रहे, उसमें क्वालिफिकेशन्स रहे। तो वह गन वाकई थी, जो इस वक्त चला रहे हैं, जिसकी आप हौसला अफजाई कर रहे हैं। और उस गन्द को हटाने के लिए, उस चीज को मिटाने के लिए किसी उसूल के तहत, किसी कानून के तहत लाना चाहते हैं।...(व्यवधान)...

श्री वसीम अहमद (उत्तर प्रदेश): इनको बोलने दीजिये ...(व्यवधान)...

उपसभापति: मंत्री जी बोल रहे हैं, सुन लीजिये।

विपक्ष नेता (श्री सिकन्दर बख्त): आप बात नहीं समझे। उन्होंने सिक्योरिटी गार्ड को मुकर्रर करने की मुखालफत नहीं की है। उन्होंने यह कहा है कि यह बिल इलड्राफ्टिड है। आप जिस चीज का जवाब दे रहे हैं, उस पर तो एतराज था ही।

उपसभापति: देखिये अभी लड़ाई-झगड़ा मत कीजिये।

We have to pass the Bill. From this House we want to pass a Bill which protects the life and property of people. It may be misused by others. If there is misuse, there should be protection against it. That is what the Minister is saying. But on the other hand, there are a lot of lacunae in the Bill. I am not satisfied and I am sure just because you say कि ये नहीं है तो ऐसे आपके कहने से नहीं होगा। देखिये। तो इसमें ड्राफ्टिंग की खराबी है। आपकी इन्टेंशन पर किसी को शक नहीं है। आपकी इन्टेंशन करेक्ट है, वह बहुत अच्छी है, बहुत सिन्सियर है। The thing over here is that, the one who drafted the Bill, perhaps, was in a hurry. He did not apply his mind to it. There are certain other points. For so many years we did not have the Private Security Guards Bill. We can wait for two more days. I promise you, if you bring it by Monday or Tuesday, I will sit here even till 10 o' clock at night and get your Bill passed. But please do not force the House to pass a Bill which is not strong enough.

श्री वसीम अहमद: मैडम, मेरा हम्बल सजेशन है, आपने बहुत ईमानदारी के साथ बात रखी कि इसमें ड्राफ्टिंग की गलती है। मेरा सजेशन यह है कि इसमें अगर अमेंडमेंट हो जाये और दोबारा यह बिल इन्टरड्यूज हो जाये....(**व्यवधान**)...

प्रो॰ विजय कुमार मल्होत्रा: मैडम, ...(**व्यवधान**)...

श्री वसीम अहमद: मेरे कहने का मकसद यह है कि अमेंडमेंट आने के बाद दुबारा बिल इन्टरड्यूज हो जाये...(**व्यवधान**)...

THE DEPUTY CHAIRMAN: I am saying the same thing.

एक माननीय सदस्य: हमें कोई आपत्ति नहीं है।....(**व्यवधान**)...

श्री अनन्तराय देवशंकर दवे (गुजरात): एक मिनट, मैंने मूव किया था, लेकिन बिल इन्टरड्यूज हो जाने के बाद। मुझे एक दिन पहले अमेंडमेंट दिया तो मेरा बिल मूव नहीं हो सका।....(**व्यवधान**)... तो यह कैसे अमेंडमेंट मूव हो सकता है?...(**व्यवधान**)...

The Bill is in process. Nobody can move the Bill.

THE DEPUTY CHAIRMAN: Not now. See, I will tell you the technical difficulty. He had moved an amendment which I could not allow because there is a time bar. Now in sincerity I feel if the Minister applies his mind for two days, three days, till the 14th, and before 14th if he brings it on any day, we will pass it. But please take the help of the Law Minister also. Draft a proper Bill which has got all the protection because I feel in the name of security guard....

श्री जलालुदीन अंसारी (बिहार): मुझे कुछ कहना है (**व्यवधान**)

†[श्री जलालुद्दीन अंसारी: मुझे कुछ कहना है ...(व्यवधान)]

उपसभापति: अंसारी जी, आप एक मिनट बैठिये (**व्यवधान**) आप मुझे डायरेक्ट नहीं कर सकते। ..(**व्यवधान**) आप बैठिये (**व्यवधान**) आप मुझे डायरेक्ट नहीं कर सकते कि मैं कब बोलूंगी। आप बैठिये, मेरी बात सुन लीजिये (**व्यवधान**)

If you are giving licences to people how do you protect the decent people, nice people when they apply किसी गलत आदमी के हाथ में बंदूक का लाइसेंस आ जाएगा, उसका गलत रिएक्शन हो सकता है। हमारे देश में वैसे ही टेररिज्म है। आप जानते हैं आपकी स्टेट में था, अब आपकी स्टेट बाहर निकल गई है पर दूसरी जगह भी टेररिज्म की कमी नहीं है और टेररिज्म है, ड्रग पेडलिंग हो रही है। इल्लीगल लाइसेंस ले कर लोग घूम रहे हैं, इस बिल के अन्तर्गत लीगली लाइसेंस ले कर घूमेंगे कि हम सिक्युरिटी गार्ड हैं। दो तीन दिन में कोई देश का नुकसान होने वाला नहीं है। इनसफिशियेंट बिल पास कर देने ने नुकसान होने वाला है।

†[ ]Transliteration in Arabic Script

श्री मोहम्मद मकबूल डार: मैडम, आप भी इस नतीजे पर पहुंची हैं (व्यवधान)

उपसभापति: नहीं नहीं, मैं सुन कर पहुंची हूं। मैंने पढ़ा नहीं था।

श्री मोहम्मद मकबूल डार: अगर इल ड्राफ्टेड है, I agree with you. I will bring it within three days.

उपसभापति: अब अंसारी साहब की बात सुन लीजिये। आप क्या फरमा रहे हैं?

श्री जलालुदीन अंसारी: मुझे इस बिल में सजेशन देना है।

†[श्री जलालुदीन अंसारी: मुझे इस बिल में सजेशन देना है।]

उपसभापति: आप वह लिख कर भेज दीजिये। ड्राफ्टिंग होगी, आप उनको लिख कर दे दें। (व्यवधान)

श्री जलालुदीन अंसारी: आज ही दे देंगे तब कंसीडर करेंगे (व्यवधान)

†[श्री जलालुदीन अंसारी: आज ही दे देंगे तब कंसीडर करेंगे। ...मुदाखलत"...]

एक माननीय सदस्य: ओवर (व्यवधान)

श्री जलालुदीन अंसारी: नो ओवर (व्यवधान) आप बोल देंगे तो क्या ओवर हो जाएगा? (व्यवधान)

†[श्री जलालुदीन अंसारी: नो ओवर ..."मुदाखलत"...आप बोल देंगे तो क्या ओवर हो जाएगा...]

†[ ]Transliteration in Arabic Script

उपसभापति: दो मिनट में क्या फर्क पड़ने वाला है। (व्यवधान)

श्री वसीम अहमद: मुझे एक बात कहनी है। (व्यवधान) मैं हाऊस से अपील करूंगा कि जो आप की तरफ से सजेशन आया, आपने डायरेक्ट किया बहैसियत चेयरमैन के उसको हाऊस मान ले (व्यवधान)

PROF. VIJAY KUMAR MALHOTRA: You cannot direct the Chair.

श्री सिकन्दर बख्त: ज़रा अंसारी साहब की बात सुन लें, उसके बाद हम अर्ज़ करेंगे। (व्यवधान)

†[श्री सिकन्दर बख्त: ज़रा अंसारी साहब की बात सुन लें, उसके बाद हम अर्ज़ करेंगे। ..."मुदाखलत"...]

श्री जलालुदीन अंसारी: पहली बात हमें यह कहनी है कि इस बिल को लाना जरूरी है, जो इसमें लेकूना है या कमजोरी है, उसको करेक्ट किया जाए। इसमें मेरा कोई विरोध नहीं है। लेकिन इस बिल में हम यह चाहते हैं कि इसे राज्य सरकारें लागू करेंगी पास होने के बाद तो यह जो निजी सिक्युरिटी गार्ड होंगे क्या इस बिल में प्रोविज़न है कि उनका वेतन कौन तय करेगा? वह स्टेट के अन्दर जो मिनिमम वेजेज़ है, वह मिलेगा या जैसे किसी उद्योग में देते हैं, फर्म में देते हैं या किसी कारखाने में देते हैं उसको उस कारखाने में काम करने वाले इंपलाइज़ को जो वेतन होगा, वह उसका वेतन मिलेगा या उस राज्य में जो मिनिमम मजदूरी है, उसको वह मिलेगी? क्या यह इंडस्ट्रीयल डिस्प्यूट एक्ट में आएगा या नहीं? (व्यवधान)

†[श्री जलालुदीन अंसारी: पहली बात हमें यह कहनी है कि इस बिल को लाना जरूरी है, जो इसमें लेकूना है या कमजोरी है, उसको करेक्ट किया जाए। इसमें मेरा कोई विरोध नहीं है। लेकिन इस बिल में हम यह चाहते हैं कि इसे राज्य सरकारें लागू करेंगी पास होने के बाद तो यह जो निजी सिक्युरिटी गार्ड होंगे क्या इस बिल में प्रोविज़न है कि उनका वेतन कौन तय करेगा? वह स्टेट के अन्दर जो मिनिमम वेजेज़ है, वह मिलेगा या जैसे किसी उद्योग में देते हैं, फर्म में देते हैं या किसी कारखाने में देते हैं उसको उस कारखाने में काम करने वाले इंपलाइज़ को जो वेतन होगा, वह उसका वेतन मिलेगा या उस राज्य में जो मिनिमम मजदूरी है, उसको वह मिलेगी? क्या यह इंडस्ट्रीयल डिस्प्यूट एक्ट में आएगा या नहीं?]

یہ راجیہ سرکاریں لاگو کریں گی یا اس ہونے کے بعد تو یہ جو نجی سیکورٹی گارڈ ہوں گے کیا اس بل میں پروویژن ہے کہ ان کو ویتن کیا جائے ہو گا - وہ اسٹیٹ کے اندر جو منیمم ویجز ہیں وہ ملیگا جیسے کسی انڈیوگ میں دیتے ہیں فرم میں دیتے ہیں یا کسی کارخانے میں دیتے ہیں اس کو اس کارخانے میں کام کرنے والے اسپلائرز کو جو ویتن ہو گا وہ اسکا ویتن ملیگا یا اس راجیہ میں جو منیمم مزدوری ہے اسکو وہ ملیگی - کیا یہ انڈسٹریل ڈسپیوٹ ایکٹ میں آئیگا یا نہیں ..."مداخلت"...]

श्री सतीश अग्रवाल: जब पुनर्विचार होगा, तह देख लेंगे। **(व्यवधान)**

श्री जलालुदीन अंसारी: इस बिल में आना चाहिये **(व्यवधान)**

†[شری جلال الدین انصاری: اس بل میں آنا چاہئے - ..."مداخلت"...]

श्री सतीश अग्रवाल: आ जाएगा, आ जाएगा।

श्री नीलोत्पल बसु (पश्चिमी बंगाल): उनको बोलने दीजिये। **(व्यवधान)** जेठमलानी जी बोले तो हम सुनते रहे **(व्यवधान)**

It is unfair. Let him speak. You please sit down.

श्री जलालुदीन अंसारी: इस बिल में यह प्रावधान होगा या नहीं होगा? मेरा सुझाव है कि इसमें इसका क्लेरीफिकेशन होना चाहिये। इसकी व्यवस्था होनी चाहिये। दूसरी बात है अभी आप सब लोग बोल गये कि इस देश में टेररिज्म है, है। मल्टीनेशनल कम्पनियां भी अपनी प्राइवेट सिक्युरिटी एजेंसियां खोल रही हैं इस देश के विभिन्न राज्यों में, विभिन्न हिस्सों में प्राइवेट सेनाएं हैं। उनको भी कुछ लोग अपनी सम्पत्ति और अपनी जान की रक्षा के लिए इस्तेमाल कर रहे हैं। तो वह उसका दुरुपयोग कर रहे हैं। इस सब को रोकने के लिए इसमें कोई व्यवस्था होगी या नहीं होगी? चिंता सब को है। हम आपकी चिंता के साथ है, पूरे देश की चिंता के साथ हैं। इस तरह की जो प्राइवेट सेनाएं हैं, प्राइवेट एजेंसियां हैं, उसकी समाप्ति का इसमें प्रोविज़न होगा या नहीं होगा? ये दो बातें, ये प्रोविज़न हम इस बिल में चाहते हैं और फिर सदन जैसा चाहे वैसा करे।

†[شری جلال الدین انصاری: اس بل میں یہ پراوِدھان ہو گا یا نہیں ہو گا - میرا سجھاؤ ہے کہ اس میں اسکا کلیریفیکیشن ہونا چاہئے - اسکی ویوستھا ہونی چاہئے - دوسری بات ہے ابھی آپ سب لوگ بول گئے کہ اس دیش میں ٹیررزم ہے - ہے - ملٹی نیشنل کمپنیاں بھی اپنی پرائیویٹ سیکیورٹی ایجنسیاں کھول رہی ہیں اس دیش کے وبھنن راجیوں میں پرائیویٹ سینائیں ہیں - ان کو بھی کچھ لوگ اپنی سمپتی اور اپنی جان کی رکشا کیلئے استعمال کر رہے ہیں -

شری جلال الدین انصاری "جاری": تو وہ اسکا غلط استعمال کر رہے ہیں - اس سبکو روکنے کیلئے اس میں کوئی ویوستھا ہو گی یا نہیں ہو گی - چنتا سبکو ہے - ہم آپکی چنتا کے ساتھ ہیں پورے دیش کی چنتا کے ساتھ ہیں - اسلئے کی جو پرائیویٹ

†[ ]Transliteration in Arabic Script

†سیناٹیں ہیں پرائیویٹ ایجنسیاں ہیں اسکی سمایتی کا اس میں پراویژن ہوگا یا نہیں ہوگا۔ یہ دو باتیں یہ پراویژن ہم اس بل میں چاہتے ہیں اور پھر سدن جیسا چاہے ویسا کرے۔†

उपसभापति: मंत्री जी, आप विदड्रा करने के लिए क्या मूव करेंगे? ...(**व्यवधान**)

श्री वसीम अहमद: मैडम, मेरी एक दरख्वास्त है कि इसको विदड्रा मत कराइये। ...(**व्यवधान**)

श्री नरेश यादव (बिहार): मगर मैंबर सुझाव देना चाहें तो ...(**व्यवधान**)

THE DEPUTY CHAIRMAN: It can be deferred ...(*interruptions*)... The time allocated is only one hour ...(*interruptions*)... The Minister cannot decide immediately. You give your suggestion. Let him apply his mind. He cannot decide it immediately. I don't think the Law Minister can decide it immediately. My suggestion would be that if hon. Members agree, I will ask the Minister to defer it by three days and then come back to the House. I would not ask him to withdraw the Bill.

SHRI NARESH YADAV: Please give him some time.

THE DEPUTY-CHAIRMAN: I have a BAC meeting. I have to attend it. I have given three days ...(*interruptions*)... What do you want? I cannot go on talking about a Bill which you are not going to discuss any further. There is no use in my talking about this Bill because you are not going to discuss it any further now ...(*interruptions*)...

प्रो॰ विजय कुमार मल्होत्रा: मैडम, उन्होंने पहले कहा कि अभी तो विदड्रा कर रहे हैं? ...(**व्यवधान**)

You cannot change your decision every moment.

उपसभापति: आप बोलिए, आप क्या कर रहे हैं ...(**व्यवधान**) मंत्री जी को बोलने दीजिए। ...(**व्यवधान**)

श्री मोहम्मद मकबूल डार: मेरी गुजारिश थी, जब आप भी इस नतीजे पर पहुंचे है कि इस बिल की अच्छी ड्राफ्टिंग नहीं है तो उससे मैं एग्री करता हूं। हमें तीन दिन का मार्जन दीजिए और तीन दिन के लिए सलैक्ट कमेटी के हवाले कीजए। ...(**व्यवधान**)

प्रो॰ विजय कुमार मल्होत्रा: नो-नो सलैक्ट कमेटी। ...(**व्यवधान**)

The Minster should withdraw his Bill. Otherwise, we will demand for a division.

श्री सिकन्दर बख्त: सदर साहिब, पहली चीज़ तो यह है कि ...(**व्यवधान**) मिनिस्टर साहब, प्लीज़ जरा बैठिए। पहली बात तो रह है कि मिनिस्टर साहब अगर इसको विदड्रा करते हैं या जो कुछ भी तजवीज़ होती है वह चेअर पर रखकर ...(**व्यवधान**)

†शरी सिकन्दर बख्त: सदर साहब - पहली चीज़ तो यह है कि ... "मदाखलत" ... मिनिस्टर साहब - प्लीज़ ज़रा बैठिये - पहली बात तो यह है कि मिनिस्टर साहब अगर इसको विदड्रा करते हैं या जो कुछ भी तजवीज़ होती है वह चेअर पर रखकर ..."मदाखलत"...]

उपसभापति: मेरा इससे कुछ ताल्लुक नहीं है ...(**व्यवधान**)

श्री सिकन्दर बख्त: वह नहीं होना चाहिए ...(**व्यवधान**)

†शरी सिकन्दर बख्त: वह नहीं होना चाहिये ..."मदाखलत"...]

†[ ]Transliteration in Arabic Script

श्री मोहम्मद मकबूल डार: विदड्रा की बात ही नहीं है तो फिर मैं इस तरह बात करूंगा कि जब आप ड्राफ्टिंग के मुतलिक नुक्ताचीनी करते है या किसी क्लाज़ के मुत्तलिक या किसी बात पर तो फिर इस बारे में आपको पहले अमेंडमेंट देनी चाहिए थी। ...(व्यवधान)

THE DEPUTY CHAIRMAN: If you don't agree, then I will put the Bill to vote.

SOME HON. MEMBERS: No, Madam.

THE DEPUTY CHAIRMAN: Then you should agree with me.

श्री वसीम अहमद: मगर रेव्यू करिए ...(व्यवधान),तीन दिन दे दीजिए। ...(व्यवधान)...

THE DEPUTY CHAIRMAN: The Minister seeks permission from the House to withdraw the Bill for three days. He will come back with the Bill within this Session.

श्री ईश दत्त यादव: नो मैडम। ...(व्यवधान)

उपसभापति: अभी आप क्या नो मैडम कर रहे हैं। ...(व्यवधान) आप मंत्री है क्या? ...(व्यवधान)

श्री ईश दत्त यादव: मैडम, हम आपसे रेक्वेस्ट कर रहे हैं, प्रार्थना कर रहे हैं। प्रार्थना यह कर रहे हैं कि यह बात सही है ...(व्यवधान) मंत्री जी एक मिनट रूकिए, कि इस बिल में खामियां बहुत है और सन् 1994 में यह बिल ड्राफ्ट किया गया था ...(व्यवधान) इसमें एक-दो नहीं, अनेकों खामियां है। मैं उसके विस्तार में नहीं जाना चाहता। केवल आपके माध्यम से मंत्री जी से भी आग्रह करूंगा और विपक्ष के लोगों से भी निवेदन करना चाहता हूं कि तीन दिन या अगले हफ्ते तक समय दे दिया जाए।

उपसभापति: वही तो कह रहे हैं और क्या कह रहे हैं। ...(व्यवधान)

ईश दत्त जी, आप कुछ सुना कीजिए। आप जो घर से सोच कर आते हैं ...(व्यवधान) वही बोलते है। मंत्री जी ने खुद यह बात कही है। इसमें चेअर का कोई ताल्लुक नहीं है। अगर मैंबर्स की एप्रीहेंशन है और मंत्री जी खुद समझ रहे हैं और अगर उनको भी लगता है तो यह तीन दिन में कुछ जाने वाला नहीं है। तीन दिन में सैक्योरिटी गार्ड आयेंगे या नहीं आयेंगे, तो अभी तक चल रहा था। ...(व्यवधान)

श्री मोहम्मद मकबूल डार: तीन दिन डेफर के लिए समय दीजिए, रेव्यू के लिए ...(व्यवधान)

THE DEPUTY CHAIRMAN: Now, I don't want any controversy.

PROF. VIJAY KUMAR MALHOTRA: Madam, let there be voting.

श्री मोहम्मद मकबूल डार: अरे भाई लोगों आपने मुझे हमेशा कोआपरेशन दिया है। अब मैं मंत्री हूं तो मेरी यह बात मान लो।

PROF. VIJAY KUMAR MALHOTRA: Let him withdraw it.

उपसभापति: मल्होत्रा जी, बैठिए। ...(व्यवधान)...

श्री वसीम अहमद: फिर डिबेट कंटीन्यू रखिए।

PROF. VIJAY KUMAR MALHOTRA: He must withdraw it and bring a new Bill. *(Interruptions)* otherwise, there should be voting. *(Interruptions)*

THE DEPUTY CHAIRMAN: What is happening? *(Interruptions)* What is happening?

SHRIMATI RENUKA CHOWDHURY: Madam, I think I should just put it in small capsules.

The Minister in his capacity brought about this Bill on which all of us have expressed various opinions. In the democracy that is established both in the country and in this House, some of our distinguished hon. Members have pointed out what they perceive as locunae. It is with an absolute open-mindedness that we are willing to remove these perceived lacunae so that we can set this in the language that is understood by both sides of the House to mean the same because the intention is the same on both sides of the House. So, let us not take a stand-off on this issue.

I would request the hon. Members, the hon. Minister is saying that he will take it back because you have deemed it fit to be reviewed. After all, we are not changing the Bill. So, if you want it only to be reviewed, then it is right, it will be

reviewed and brought back. You don't push for withdrawal at this moment. *(Interruptions)*

PROF. VIJAY KUMAR MALHOTRA: Why can't he bring a new Bill? *(Interruptions)* Bring a new Bill.

SHRIMATI RENUKA CHOWDHURY: It is a humble request. *(Interruptions)*

PROF. VIJAY KUMAR MALHOTRA: Every minute it is being changed. पहले मिनिस्टर साहब ने यह कहा कि मैं बिल को विद्ड्रा करता हूं और नया बिल...

SHRI MOHD. MAQBOOL DAR: No. Don't put this into my mouth नहीं-नहीं, मैंने विद्ड्रा के लिए बात नहीं की। आप रिव्यु के लिए 3 दिन दे दें।

प्रो॰ विजय कुमार मल्होत्रा: यह बिल इस समय ठीक नहीं है। इस को आप विद्ड्रा कर के...**(व्यवधान)**

SHRIMATI RENUKA CHOWDHURY: Don't attribute it to him. विद्ड्रा की बात नहीं हुई है हमारी तरफ से।

PROF. VIJAY KUMAR MALHOTRA: So, we don't accept it. Let us vote.

श्री वसीम अहमद: मैडम, मेरी एक रिक्वैस्ट है कि अभी इस पर पूरी डिबेट हो जाए कि किस किस्म के अमेंडमेंट्स पॉसिबल हैं जोकि इस में लाए जाएं और तीन दिन बाद उन तमाम सजेशंस को शामिल कर ले आएं।

उपसभापति: हमारे हाउस में ऐसा नहीं हुआ है। कभी-कभी बिल आते हैं जिन में मेंबर्स को कमी लगती है। अभी दो लोग बोले, फर्नांडिस जी बोलकर चले गए...

I don't think anybody has supported the Bill as it is. Maybe, the Minister has. He has brought it, so he has to support it as it is. But the others didn't. And I feel that you should also give in as he has agreed that he is going to bring it. Let him apply his mind for three days. Still it is in your hands. If you don't agree with what he brings in three days, you can always ask him to withdraw it. At least under that confidence or assurance you should take it that he will bring a comprehensive Bill, which will be acceptable.

PROF. VIJAY KUMAR MALHOTRA: Madam, if this Bill remains on the agenda, can he bring a new Bill? Until and unless it is withdrawn, a new Bill cannot come. If this Bill is not withdrawn, it will remain on the agenda and then only amendments can be made.

THE DEPUTY CHAIRMAN: He is not bringing a new Bill. He will bring the same bill with amendments.

PROF. VIJAY KUMAR MALHOTRA: No.

SHRI VISHNU KANT SHASTRI (Utttar Pradesh) : No.

SHRI ANANTRAY DEVSHANKER DAVE: No.

THE DEPUTY CHAIRMAN: Please agree. *(Interruptions)* Please agree *(Interruptions)* Agree, agree, agree. *(Interruptions)* Sikander Bakht Saheb, please agree.

श्री अनन्तराय देवशंकर दवे: हम भी अमेंडमेंट दे सकते हैं।

उपसभापति: आप भी अमेंडमेंड दीजिएगा।

No problem. Anybody can move amendments. But please agree. Let us not sit....

SHRI SIKANDER BAKHT: Madam, you put it to vote.

उपसभापति: आप बिल विद्ड्रा करने के लिए तीन दिन बाद लाने के लिए मूव करिए।

and you say what amendments you would like to bring.

श्री मोहम्मद मकबूल डार: मैडम, मैं तीन दिन के अंदर विद ड्यू अमेंडमेंटस, जो भी सजेशनस होंगे, उन के समेत रिवाइज कर के तीन दिन के अंदर नया बिल पेश करूंगा।

श्री विष्णु कान्त शास्त्री: मैडम, हम इस को स्वीकार नहीं करते। फिर से नया बिल लाएं नहीं तो हम इसे स्वीकार नहीं करते। ...**(व्यवधान)**...नया बिल लाइए, नहीं तो वोटिंग हो जाने दीजिए। ...**(व्यवधान)**...

THE DEPUTY CHAIRMAN: Okay. Even if he brings a new Bill, I will waive the rules and allow him to bring it again with the amendments. *(Interruptions)* All right. Let us solve the problem.

आप इन को मौका दीजिए कि ये फिर नया बिल लाएं।

PROF. VIJAY KUMAR MALHOTRA: Let him withdraw the Bill.

THE DEPUTY CHAIRMAN: Has the House given permission to withdraw the Bill because the Bill is the property of the House?

SOME HON. MEMBERS: Yes.

THE DEPUTY CHAIRMAN: You have the permission to withdraw it. But please bring an *achha* Bill.

SHRI MOHD. MAQBOOL DAR: Madam, my request is not for withdraw. My request is for review.

उपसभापतिः आप जब तक विद्ड्रा नहीं करेंगे तो रिव्यू कैसे करेंगे?

श्री मोहम्मद मकबूल डारः सिर्फ मसला है ड्राफ्टिंग का, कंटेंट यही है।

THE DEPUTY CHAIRMAN: Today, you are deferring it. Okay? Your defer the Bill for three days.

SHRI MOHD. MAQBOOL DAR: Okay. I defer it for three days.

THE DEPUTY CHAIRMAN: He is deferring the Bill for new amendments. All right? ...*(Interruptions)*...

प्रो॰ विजय कुमार मल्होत्राः क्या बात कर रहे हैं आप? एक बिल यहां पड़ा है, डेफर हो रहा है, अमेंडमेंट कैसे आ जाएंगे? How can he bring a new Bill? I don't know what is happenig?ÄÄÄ*(Interruptions)*ÄÄÄ

THE DEPUTY CHAIRMAN: Order, please. let the Law Minister say something.

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): May I request the hon. Members? You have been so considerate and so kind in studying this Bill...*(Interruptions)*....

SHRI TRILOKI NATH CHATURVEDI: The Law Minister always...

THE DEPUTY CHAIRMAN: Chaturvediji, please sit down.

SHRI RAMAKANT D. KHALAP: Certain deficiencies have been pointed out. Allow us to consider the deficiencies with the due thought that they deserve and allow us to come before the House either the same day with an amended form.. *(Interruptions)*... One minute please.

PROF. VIJAY KUMAR MALHOTRA: How can it be?...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Let him complete.

SHRI RAMAKANT D. KHALAP: Or, if need be, to bring entirely a new Bill, if the situation demands that. But then, allow us to do it. Sitting on technicalities of this nature does not take us anywhere. Ultimately, everybody realises it that it is an important Bill. It was drafted in 1974.

THE DEPUTY CHAIRMAN: In 1994.

SHRI RAMAKAND D. KHALAP: Again, I am making a mistake.

THE DEPUTY CHAIRMAN: Shri Ish dutt Yadav has brainwashed you ...(Interruptions)...

SHRI RAMAKANT D. KHALAP: ..in 1994. Now, in the last three years, perhaps nobody has taken a look at it. It has taken time. All of you have studied it so well. Kindly send your suggestions; Kindly sent your amendments so that we can take the entire case into consideration, all the suggestions into consideration and come before the House on Monday. Thank you.

THE DEPUTY CHAIRMAN: Now, that matter is closed. Now, I have statutory Resolution on the Presidential and the Vice-Presidential... ...(Interruptions)...

प्रो॰ विजय कुमार मल्होत्रा: मैडम, क्या हुआ?

उपसभापति: हो गया न।

PROF. VIJAY KUMAR MALHOTRA: We don't accept his proposal.

यह हमने पहली ही कहा है कि अगर इनको बिल लाना है तो पहला बिल विदड्रा हुए बिना नया कैसे आएगा? इन्होंने सिम्पली कह दिया कि मैं अमेंड करके ले आऊंगा। Amended Bill doesn't mean anything. this is no amendment.

THE DEPUTY CHAIRMAN: He is deferring the Bill. ...(Interruptions)...

PROF. VIJAY KUMAR MALHOTRA: no, there cannot be any deferment. It cannot be deferred.

यह बिल जो है, इसको आप विदड्रा करके नया बिल ले आइए।

We have agreed to it. It cannot be.

यह तरीका ही बड़ा गलत है, मैडम, यह प्रोसिज़र बड़ा गलत है कि यह कहें कि मैं अमेंडिड बिल ले आऊंगा। अमेंडमेंट गवर्नमेंट को करना है तो वह इस बिल को विदड्रा करके नई अमेंडमेंट ले आए। Why are they standing on prestiage? कोई प्रोस्टिज का सवाल नहीं है, कोई बात नहीं है। आपने तीन दिन में कहा, तीन दिन में ले आइए, हम इसे पास कर देंगे भले ही रात के 12.00 बजे तक बैठना पड़े। एक गलती हुई है, उसको विदड्रा कर लें। And if you don't withdraw, it, then finish it...(Interruptions)...

SHRI SIKANDER BAKHT: What is the technicality about withdrawing this Bill?

AN HON. MEMBER: Let us have the debate.

THE DEPUTY CHAIRMAN: No, I cannot. The time is over for the debate. I cannot allow it.

श्री सिकन्दर बख्त: सदर साहिबा, जो करना है आपको कर दीजिए।

SHRI RAMAKANT D. KHALAP: There are three stages invloved in it. the first stage is the introduction of the Bill. That is over. The second stage is consideration. That is what we are doing. If the Bill is now withdrawn, we will have to start all over again.

SHRI SIKANDER BAKHT: Let it be. Whatever it is. Put it to vote.

PROF. VIJAY KUMAR MALHOTRA: Madam...

THE DEPUTRY CHAIRMAN: Malhotraji, please sit down.

SHRI RAMAKANT D. KHALAP: Exactly. That is the consideration stage. That is what we are saying ...(Interruptions)...

THE DEPUTY CHAIRMAN: You see, I have presided over many Bills. In this Kind of circumstance, sometimes under pressure of time, we have allowed many Bills to go without discussion and the repercussions have been very serious. I think it may look to be a very small Bill, if you look at the Private Security Guards and Agencies (Regulation) Bill, 1994, but it has its own repercussions. I still request the hon. Members who are objecting to it to reconsider it. there is no time lost. Three days are not going to make much of a difference. Please take a decision. ...(Interruptions)... The Chair never interferer with it. But, I feel defer it, defer it Okay.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS (AMENDMENT) ORDINANCE, 1997

II. THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS (AMENDMENT) BILL, 1997

THE DEPUTY CHAIRMAN: Statutory Resolution and the Presidential and Vice-Presidential Elections (Amendment) Bill, 1997, Shri Ram